

EXHIBIT 1

From: grosner@goodwinlaw.com
To: Josephmalley@paulhastings.com; brucewexler@paulhastings.com; amarmehta@paulhastings.com
Cc: Levy_Ira_J; Hardman_Cynthia; Prew_Brian_J; Birbach_Naomi; mpatunas@patunaslaw.com; clizza@saul.com; wbaton@saul.com; ssullivan@saul.com
Subject: Sumitomo/Sunovion v Teva (Iurasidone) - Teva Document Production
Date: Thursday, October 27, 2016 4:28:50 PM

You have received 2 secure files from grosner@goodwinlaw.com.

Use the secure links below to download.

Counsel,

Please see attached correspondence. Please also find attached a zipped folder containing Teva's production of replacement documents TLUR_008_CB. These documents are being produced pursuant to the Discovery Confidentiality Order entered by the Court (D.I. 49); documents designated Confidential or Highly Confidential should be treated accordingly.

Regards, Gail

Gail D. Rosner
Trial Specialist
Goodwin Procter LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
o +1 212 459 7019
f +1 646 558 4183
GRosner@goodwinlaw.com | goodwinlaw.com

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1. Open the email message and click the link.
2. Enter your email address, and then click Submit .
3. A second verification email message is sent.
4. In the second email message, click the verification link to return to the SFT verification window.
5. Create a password with a minimum of 8 characters containing at least 1 number and 1 uppercase letter .
6. Click Download .
7. In the File Download dialog box, click Open or Save . · Save: Save the file locally, then open · Open: File opens immediately

Secure File Downloads:

Available until: 06 November 2016

Click links to download:

[2016.10.27 Replacement Document Production Letter.pdf](#)
46.97 KB

[TLUR_008_CB.zip](#)
204.54 MB

You have received attachment link(s) within this email sent via the Goodwin Procter Secure File Transfer System. To retrieve the attachment(s), please click on the link(s).

EXHIBIT 2



Brian J. Prew
+1 212 459 7199
BPrew@goodwinlaw.com

Goodwin Procter LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018

goodwinlaw.com
+1 212 813 8800

November 8, 2016

VIA EMAIL

Mark Sperling
Paul Hastings LLP
200 Park Avenue
New York, NY 10166

Re: Sunovion v. Encure et al., Civil Action No. 15-280 (SRC)(CLW)(consolidated)

Dear Mark:

I respond to your November 3, 2016 letter and your November 8, 2016 email requesting a meet and confer later today.

First, thank you for confirming that Sunovion has purged and returned the documents identified in Teva's October 21, 2016 letter.

Second, your contention that Teva has requested the return of nearly 8,000 pages of documents but has not reproduced any document in redacted form is incorrect. On October 27, 2016, Teva reproduced by Secure File Transfer approximately 7,800 pages of the requested documents, with minimal redactions. If you overlooked that communication and would like us to resend it, please let us know.

Third, your November 3 letter demands (1) a description of the contents of each document that Teva has requested to clawback; (2) the basis for each assertion of attorney work product and/or attorney-client privilege; and (3) "a narrative describing the review process used by Teva, if any, to avoid production of privileged information as well as an explanation of how the documents came to be inadvertently produced notwithstanding any such review process." While Teva is willing to discuss a date for the mutual exchange of privilege logs, the remainder of the requested information goes far beyond the requirements of the Discovery Confidentiality Order, which provides only that a party seeking the return of documents make "a good-faith representation that such production was inadvertent or mistaken." (D.I. 49, ¶ 30). Teva made such a good faith representation in its October 21, 2016 letter. If Plaintiffs persist in their request for a "narrative" regarding the review process, please provide support for the position that the DCO requires production of that information.

November 8, 2016
Page 2

We trust that your review of our October 27 production will resolve your concerns, and that a meet and confer is unnecessary. Please let us know your proposal on a date for the mutual exchange of privilege logs.

Sincerely,



Brian J. Prew

BJP

EXHIBIT 3

From: [Prew, Brian J](#)
To: Sperling, Mark; Birbach, Naomi; Teva-Lurasidone; Hardman, Cynthia; Levy, Ira J; "mpatunas@patunaslaw.com"
Cc: Project LATUDA; "Lizza, Charles M."; "Baton, William C."; "Sullivan, Sarah A."; "Lucia, Jamie L."; "Moses, David L."
Subject: RE: Sumitomo, et al. v. Emcure, et al., Civil Action No. 15-280 (consolidated)
Date: Thursday, November 10, 2016 3:26:47 PM
Attachments: [image001.png](#)

Dear Mark,

To the extent your November 9, 2016 email is referring to a privilege log, Teva has not refused to produce one. Rather, it has been Plaintiffs who have refused to respond to our repeated requests for a proposal for the mutual exchange of privilege logs. Plaintiffs also continue to ignore our repeated requests for Plaintiffs' support for the position that the DCO requires the "narrative" Plaintiffs are demanding.

As you surely know, there was no meet and confer "scheduled" for yesterday. The parties' communications reflect only Plaintiffs' unilateral demand for a meet and confer at a specific time and our response that Teva's counsel was unavailable at Plaintiffs' chosen time.

As we've said several times now, a meet and confer remains premature because Plaintiffs have provided no support for the information they are demanding. Regardless, we are available for a meet and confer this Friday (November 11th) between 10am-11:30 am (ET) and 3:00pm-5:00pm (ET). Please let us know what time works for you. Please be prepared to discuss Plaintiffs' legal support for the position that the DCO requires a "narrative" regarding the review process, and Plaintiffs' proposal for the mutual exchange of privilege logs.

Regards
Brian

Brian J. Prew



Goodwin Procter LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
o +1 212 459 7199
f +1 646 558 4169
BPrew@goodwinlaw.com | [goodwinlaw.com](#)

From: Sperling, Mark [<mailto:marksperling@paulhastings.com>]
Sent: Wednesday, November 09, 2016 6:00 PM
To: Prew, Brian J; Birbach, Naomi; Teva-Lurasidone; Hardman, Cynthia; Levy, Ira J; 'mpatunas@patunaslaw.com'; 'Orlofsky@BlankRome.com'; 'CHu@BlankRome.com'; 'jlessler@BlankRome.com'; 'Kistler@BlankRome.com'; 'Heble, Nikhil A.'; 'Meghan James'; 'Salvatore Guerrero'; 'Robert S. Silver'; 'Lynn Terrebonne'; 'Pei-Ru Wey'
Cc: Project LATUDA; 'Lizza, Charles M.'; 'Baton, William C.'; 'Sullivan, Sarah A.'; 'Lucia, Jamie L.'; 'Moses, David L.'
Subject: RE: Sumitomo, et al. v. Emcure, et al., Civil Action No. 15-280 (consolidated)

Counsel,

We do not understand how Teva can agree that a discussion of Teva's clawback request would be made more "meaningful" and "productive" if Sunovion reviewed the reproduction of some of the clawed-back documents while taking the position that Sunovion should not even review descriptions of the contents of the other clawed-back documents. Regardless, Sunovion had reviewed Teva's November 8 reproduction in advance of the meet and confer that was scheduled for 4:00 pm today. Please provide us your availability to meet and confer tomorrow.

Very truly yours,

Mark

From: Prew, Brian J [mailto:BPrew@goodwinlaw.com]
Sent: Wednesday, November 9, 2016 3:26 PM
To: Sperling, Mark; Birbach, Naomi; Teva-Lurasidone; Hardman, Cynthia; Levy, Ira J; 'mpatunas@patunaslaw.com'
Cc: Project LATUDA; 'Lizza, Charles M.'; 'Baton, William C.'; 'Sullivan, Sarah A.'; 'Lucia, Jamie L.'; 'Moses, David L.'
Subject: RE: Sumitomo, et al. v. Emcure, et al., Civil Action No. 15-280 (consolidated)

Dear Mark,

Teva appropriately sent its October 27, 2016 production to numerous attorneys from Paul Hastings and Saul Ewing who have made appearances in this case. In any event, last night we reproduced the October 27th production to the email addresses you have identified.

We are not available for a meet and confer today, and a meet and confer at this point is still premature. Please promptly provide Plaintiffs' support for the position that the DCO requires a "narrative" regarding the review process, and Plaintiffs' proposal for the mutual exchange of privilege logs. In addition, prior to the meet and confer, please confirm that Plaintiffs have reviewed the contents of Teva's October 27th production. This information will better inform the parties' positions and make any meet and confer more meaningful and productive.

Regards,

Brian

Brian J. Prew



Goodwin Procter LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
o +1 212 459 7199
f +1 646 558 4169
BPrew@goodwinlaw.com | goodwinlaw.com

From: Sperling, Mark [<mailto:marksperling@paulhastings.com>]
Sent: Tuesday, November 08, 2016 7:04 PM
To: Birbach, Naomi; Prew, Brian J; Teva-Lurasidone; Hardman, Cynthia; Levy, Ira J; 'mpatunas@patunaslaw.com'; 'Orlofsky@BlankRome.com'; 'CHu@BlankRome.com'; 'jlessler@BlankRome.com'; 'Kistler@BlankRome.com'; 'Heble, Nikhil A.'; 'Meghan James'; 'Salvatore Guerriero'; 'Robert S. Silver'; 'Lynn Terrebonne'; 'Pei-Ru Wey'
Cc: Project LATUDA; 'Lizza, Charles M.'; 'Baton, William C.'; 'Sullivan, Sarah A.'; 'Lucia, Jamie L.'; 'Moses, David L.'
Subject: RE: Sumitomo, et al. v. Emcure, et al., Civil Action No. 15-280 (consolidated)

Dear Counsel,

We are in receipt of Teva's letter from today which, among other things, referenced documents that Teva said it reproduced on October 27 via a file transfer site.

While Teva suggests in its letter that we "overlooked" its reproduction, it does not mention that Teva never sent the file transfer information to me or the attorney distribution list for this matter. That distribution (ProjectLATUDA@paulhastings.com, clizza@saul.com, wbaton@saul.com, ssullivan@saul.com, jlucia@saul.com, dmoses@saul.com) is the same distribution which Teva sent its production originally on September 1 and has not changed. Because the attorneys handling this issue did not receive the reproduced documents, please resend them today and confirm that the production will include the requested overlay load file.

Further, given Teva's refusal to provide further information regarding its clawback request, a meet and confer is still necessary. Let's meet and confer tomorrow at 4:00 pm. The dial-in information is below.

Dial-in: 1-877-211-3621

Passcode: 2508143461

Very truly yours,

Mark

From: Birbach, Naomi [<mailto:NBirbach@goodwinlaw.com>]
Sent: Tuesday, November 8, 2016 2:45 PM
To: Sperling, Mark; Prew, Brian J; Teva-Lurasidone; Hardman, Cynthia; Levy, Ira J; 'mpatunas@patunaslaw.com'
Cc: Project LATUDA; 'Lizza, Charles M.'; 'Baton, William C.'; 'Sullivan, Sarah A.'; 'Lucia, Jamie L.'; 'Moses, David L.'
Subject: RE: Sumitomo, et al. v. Emcure, et al., Civil Action No. 15-280 (consolidated)

Counsel,

Please see attached correspondence.

Regards,
Naomi

Naomi Birbach



Goodwin Procter LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
o +1 212 459 7374
f +1 212 656 1663
NBirbach@goodwinlaw.com | goodwinlaw.com

From: Sperling, Mark [<mailto:marksperling@paulhastings.com>]
Sent: Tuesday, November 08, 2016 10:16 AM
To: Prew, Brian J; Teva-Lurasidone; Hardman, Cynthia; Levy, Ira J; Birbach, Naomi; 'mpatunas@patunaslaw.com'; 'Orlofsky@BlankRome.com'; 'CHu@BlankRome.com'; 'jlessler@BlankRome.com'; 'Kistler@BlankRome.com'; 'Heble, Nikhil A.'; Meghan James; Salvatore Guerriero; Robert S. Silver; Lynn Terrebonne; Pei-Ru Wey
Cc: Project LATUDA; Lizza, Charles M.; 'Baton, William C.'; 'Sullivan, Sarah A.'; 'Lucia, Jamie L.'; 'Moses, David L.'
Subject: RE: Sumitomo, et al. v. Emcure, et al., Civil Action No. 15-280 (consolidated)

Counsel,

Teva still has not provided information that would enable Sunovion to assess the merits of Teva's clawback of nearly 8,000 pages of documents. Further, Teva has not reproduced in redacted form any of the documents identified in Appendix B to Teva's letter, despite representing 18 days ago that these documents were forthcoming. Please let us have Teva's availability to meet and confer today at 5:00 PM.

Very truly yours,

Mark

From: Sperling, Mark
Sent: Thursday, November 03, 2016 5:19 PM
To: Prew, Brian J; Teva-Lurasidone; 'mpatunas@patunaslaw.com'; Hardman, Cynthia; Levy, Ira J; Birbach, Naomi
Cc: Project LATUDA; Lizza, Charles M.; Baton, William C.; Sullivan, Sarah A.; Lucia, Jamie L.; Moses, David L.
Subject: Sumitomo, et al. v. Emcure, et al., Civil Action No. 15-280 (consolidated)

Counsel,

Please see attached.

Very truly yours,

Mark

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EXHIBIT 4

From: [Prew, Brian J](#)
To: Sperling, Mark; Hardman, Cynthia; Levy, Ira J; Teva-Lurasidone; Birbach, Naomi; "mpatunas@patunaslaw.com"; "Orlofsky@BlankRome.com"; "CHu@BlankRome.com"; "ilesser@BlankRome.com"; "Kistler@BlankRome.com"; "Heble, Nikhil A."; Meghan James; Salvatore Guerrero; Robert S. Silver; Lynn Terrebonne; Pei-Ru Wey
Cc: Project LATUDA; "Lizza, Charles M."; "Baton, William C."; "Sullivan, Sarah A."; "Lucia, Jamie L."; "Moses, David L."
Subject: Sumitomo, et al. v. Emcure, et al., Civil Action No. 15-280 (consolidated)
Date: Wednesday, November 23, 2016 1:39:51 PM
Attachments: [image001.png](#)

Dear Counsel,

I write to follow up on the meet and confer between Plaintiffs and Teva. Teva would be willing to produce a privilege log of the documents it clawed back in Appendices A and B no later than December 2nd, provided that the parties come to an agreement on a future date for the exchange of logs generally between the parties. We have spoken with the other Defendants and collectively we propose a mutual exchange of privilege logs on January 6th. Please let us know if this is acceptable.

Regards,

Brian

Brian J. Prew



Goodwin Procter LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
o +1 212 459 7199
f +1 646 558 4169
BPrew@goodwinlaw.com | goodwinlaw.com

EXHIBIT 5

From: Sperling, Mark
To: Prew, Brian J; Hardman, Cynthia; Levy, Ira J; Teva-Lurasidone; Birbach, Naomi; mpatunas@patunaslaw.com; Orlofsky@BlankRome.com; CHu@BlankRome.com; jlessler@BlankRome.com; Kistler@BlankRome.com; Heble, Nikhil A.; Meghan James; Salvatore Guerriero; Robert S. Silver; Lynn Terrebonne; Pei-Ru Wey
Cc: Project LATUDA; Lizza, Charles M.; Baton, William C.; Sullivan, Sarah A.; Lucia, Jamie L.; Moses, David L.
Subject: RE: Sumitomo, et al. v. Emcure, et al., Civil Action No. 15-280 (consolidated)
Date: Wednesday, December 07, 2016 7:17:27 PM

Counsel,

As we have previously explained, Sunovion cannot agree to Teva's proposal. Given Teva's refusal to provide basic information that would allow Sunovion to assess its clawback request, the parties have reached an impasse.

Very truly yours,

Mark

From: Prew, Brian J [mailto:BPrew@goodwinlaw.com]
Sent: Thursday, December 1, 2016 7:59 PM
To: Sperling, Mark; Hardman, Cynthia; Levy, Ira J; Teva-Lurasidone; Birbach, Naomi; mpatunas@patunaslaw.com; Orlofsky@BlankRome.com; CHu@BlankRome.com; jlessler@BlankRome.com; Kistler@BlankRome.com; Heble, Nikhil A.; Meghan James; Salvatore Guerriero; Robert S. Silver; Lynn Terrebonne; Pei-Ru Wey
Cc: Project LATUDA; Lizza, Charles M.; Baton, William C.; Sullivan, Sarah A.; Lucia, Jamie L.; Moses, David L.
Subject: Re: Sumitomo, et al. v. Emcure, et al., Civil Action No. 15-280 (consolidated)

Dear Counsel,

We have not heard from you regarding the below proposal. Please respond as soon as possible.

Regards, Brian

On Nov 23, 2016, at 1:39 PM, Prew, Brian J <BPrew@goodwinlaw.com> wrote:

Dear Counsel,

I write to follow up on the meet and confer between Plaintiffs and Teva. Teva would be willing to produce a privilege log of the documents it clawed back in Appendices A and B no later than December 2nd, provided that the parties come to an agreement on a future date for the exchange of logs generally between the parties. We have spoken with the other Defendants and collectively we propose a mutual exchange of privilege logs on January 6th. Please let us know if this is acceptable.

Regards,

Brian

Brian J. Prew
<image001.png>
Goodwin Procter LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
o +1 212 459 7199
f +1 646 558 4169
BPrew@goodwinlaw.com | goodwinlaw.com

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